NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

PREAMBLE

1. **Sections Affected** / **Rulemaking Action**

R4-23-110	Amend
R4-23-692	New Section
R4-23-693	New Section

2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. § 32-1904(A)(1).

Implementing statutes: A.R.S. §§ 32-1901(8) through (11), 32-1929, and 32-1930(A).

3. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Dean Wright, Compliance Officer

Address: Board of Pharmacy
5060 North 19th Avenue, Suite 101
Phoenix, Arizona 85015

Telephone: (602) 255-5125 Ext. 131

Fax: (602) 255-5740

4. **An explanation of the rule, including the agency's reasons for initiating the rule:**

The rule establishes the requirements for the Compressed Medical Gas Distributor and Compressed Medical Gas Supplier permits created by the 42nd legislative session in H.B. 2009. Although compressed medical gases have always been listed as prescription-only drugs by the federal act, there has never been anything specific in state statute. This change allows the Board to issue permits and conduct inspections. The only thing missing from the bill was a fee for the permits. The compressed medical gas rule implements this legislation.

To clarify terminology used in the new sections, the rule adds new definitions for "container", "current good manufacturing practice", "FDA", and "transfill" and amends the definition of "supplying". The rule adds new sections: R4-23-692 Compressed Medical Gas Distributor and R4-23-693 Compressed Medical Gas Supplier.

Section R4-23-692 establishes the permit, records, and inspection requirements for compressed medical gas distributors and incorporates by reference the current good manufacturing practice requirements of 21 CFR 210 through 211 of the federal act. The FDA already requires that compressed medical gas distributors comply with the federal current good manufacturing practice act. Instead of rewriting the federal act, the rule makes compliance with the federal current good manufacturing practice act a state requirement for an Arizona compressed medical gas distributor. A compressed medical gas distributor may manufacture, wholesale distribute, and supply direct to the consumer pursuant to a compressed medical gas order from a medical practitioner.

Section R4-23-693 establishes the permit, records, and inspection requirements for compressed medical gas suppliers. The FDA does not regulate compressed medical gas suppliers, so the rule establishes standards for this previously unregulated segment of the industry. A compressed medical gas supplier sells directly to the consumer or patient or their agent in the manufacturer's or distributor's original container pursuant to a compressed medical gas order from a medical practitioner.

The rule addresses grammar, format, and style changes necessary under the current administrative procedures act and other necessary language changes to provide a clear, concise, and understandable document.

The Board believes that adoption of these rules will benefit the public by establishing standards for the manufacture and distribution of compressed medical gases in Arizona.

5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

6. **The preliminary summary of the economic, small business, and consumer impact:**

This economic, small business and consumer impact statement for the compressed medical gas rule analyzes the costs, savings, and benefits that accrue to the Board of Pharmacy, Secretary of State, permittees, and the public.

With the adoption of the proposed rule, the impact on established Board of Pharmacy procedures, Board staff time, Compliance Officer time, and other administrative and inspection related costs is substantial. The benefits to the Board and its compliance and office staff are nonquantifiable. The estimated additional cost to the Secretary of State's office is minimal. This additional cost stems from Secretary of State's staff time publishing the rules.

The Board bears the substantial costs of issuing permits to existing and future compressed medical gas distributors and suppliers and inspecting these permittees. The Board proposes to inspect each distributor and supplier once every 2 years. Based on the number of permits issued to date, there will be 39 distributor and 41 supplier inspections each year for a total annual cost of inspection of $28,295.87. This figure will change as new outlets open or exiting outlets close. Under a contract with the FDA, for the period September 30, 1995, to September 29, 1996, the Board received revenue to cover the cost of inspecting 25 compressed medical gas distributors. Under a contract with the FDA, for the period September 30, 1996, to March 29, 1998, the Board will receive revenue to cover the cost of inspecting 37 compressed medical gas distributors. Total revenue to the Board for the 2 periods is $32,512.86 which breaks down into an average annual revenue of $13,005.12. There is no guarantee of future contracts with the FDA. The cost of continuing biennial inspections of compressed medical gas distributors and suppliers is borne by the Board. The rule imposes no additional financial impact unless the Board fails to meet the permit time-frame limits. But even then there is no impact because the legislature did not establish a permit fee in the bill that created the compressed medical gas distributor and supplier permit. The Board does not foresee noncompliance with the time-frames.

The benefits provided by the proposed rules are nonquantifiable. Regulation by a state agency benefits the regulated public by increasing accessibility. The public and permittees will benefit from timely review and enforcement of compressed medical gas standards.

7. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Dean Wright, Compliance Officer

Address: Board of Pharmacy
5060 North 19th Avenue, Suite 101
Phoenix, Arizona 85015

Telephone: (602) 255-5125 Ext. 131

Fax: (602) 255-5740

8. **The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Comments may be written or presented orally. Written comments must be received by 5 p.m., Monday, November 10, 1997. An oral proceeding on the proposed rule is scheduled for:

Date: November 10, 1997

Time: 10 a.m.

Location: Board of Pharmacy
5060 North 19th Avenue, Suite 101
Phoenix, Arizona

Any person may request information about the oral proceeding by contacting the person listed in question #7.

9. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable.

10. **Incorporations by reference and their location in the rules:**

21 CFR 210 through 211 incorporated by reference in A.A.C. R4-23-692(B).

11. **The full text of the rules follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

ARTICLE 1. ADMINISTRATION

Section
R4-23-110. Definitions

ARTICLE 6. PERMITS AND DISTRIBUTION OF DRUGS

Section
R4-23-692. Compressed Medical Gas Distributor
R4-23-693. Compressed Medical Gas Supplier

ARTICLE 1. ADMINISTRATION

R4-23-110. Definitions

"Active ingredient" means any component which is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease or to affect the structure or any function of the body of man or other animals. The term shall include those components which may undergo chemical change in the manufacture of the drug and be present in the finished drug products in a modified form intended to furnish the specified activity or effect.

"Authentication of product history" means identifying the purchasing source, the ultimate fate, and any intermediate handling of any component of a radiopharmaceutical or other drug.

"AZPLEX" means Arizona pharmacy law examination.

"Batch" means a specific quantity of drug that has uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

"Beyond use date" means a date determined by a pharmacist and placed on a prescription label at the time of dispensing intended to indicate a time beyond which the contents of the prescription are not recommended to be used.

"Biological safety cabinet" means a containment unit suitable for the preparation of low to moderate risk agents where there is a need for protection of the product, personnel and environment, consistent with National Sanitation Foundation (NSF) standards, published in the National Sanitation Foundation Standard 49, Class II (Laminar Flow) Biohazard Cabinetry, Revised June 1987 edition, incorporated herein by reference and on file with the Office of the Secretary of State.

"Class 100 environment" means an atmospheric environment in compliance with the Federal Standard 209 Clean Room and Work Station Requirements: Controlled Environment, publication FED-STD-209D, June 15, 1988, edition which includes January 28, 1991, changes, incorporated herein by reference and on file with the Office of the Secretary of State.

"Community pharmacy" means any place under the direct supervision of a pharmacist where the practice of pharmacy occurs or where prescription orders are compounded and dispensed other than a hospital pharmacy or a limited service pharmacy.

"Component" means any ingredient intended for use in compounding or manufacturing drugs in dosage form, including an ingredient that may not appear in the finished product.

"Container" means

1. A container, as described in the official compendium or the federal act, that is used in manufacturing or compounding a drug or in distributing, supplying, or dispensing the finished dosage form of a drug; or
2. A metal container, designed to contain liquefied or vaporized compressed medical gas, that is used in manufacturing, transfilling, distributing, supplying, or dispensing a compressed medical gas.

"Correctional facility" has the same meaning as set forth in A.R.S. §§ 13-2501 and 31-341.

"Current good compounding practices" means the minimum standards for methods used in, and facilities or controls used for, compounding a drug to ensure that the drug has the identity and strength and meets the quality and purity characteristics it purports or is represented to possess.

"Current good manufacturing practice" means the minimum standard for methods to be used in, and facilities or controls to be used for, manufacturing, processing, packing, or holding a drug to ensure that the drug meets the requirements of the federal act as to safety, and has the identity and strength and meets the quality and purity characteristics it purports or is represented to possess.

"Cytotoxic" means a pharmaceutical that has the capability of killing living cells.

"Drug sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

"Extreme emergency" means the occurrence of a fire, water leak, electrical failure, public disaster or other catastrophe constituting an imminent threat of physical harm to pharmacy personnel or patrons.

"FDA" means the Food and Drug Administration, a federal agency within the Department of Health and Human Services, established to set safety and quality standards for foods, drugs, cosmetics, and other consumer products.

"First aid stations" means units within a business or industrial organization which are limited to, as the name implies, first aid treatment or injuries incurred in association with the business function.

"Inactive ingredient" means any component other than an "active ingredient" present in a drug.

"Industrial medical stations" means units where drugs are stored, established within businesses and industrial organizations.

"Internal test assessment" means, but is not limited to, performing quality assurance procedures necessary to ensure the integrity of the test.

"Limited-service correctional pharmacy" means a limited-service pharmacy, as defined in A.R.S. § 32-1901, that holds a current permit issued by the Board pursuant to A.R.S. § 32-1931, is located in a correctional facility, and engages in the compounding, production, dispensing, and distribution of drugs.

"Limited-service mail-order pharmacy" means a limited-service pharmacy, as defined in A.R.S. § 32-1931, that holds a current permit issued by the Board pursuant to A.R.S. § 32-1931, and dispenses a majority of its prescription medication or prescription-only devices by mailing or delivering the prescription medication or prescription-only device to an individual by the United States mail, a common or contract carrier, or a delivery service.

"Limited-service nuclear pharmacy" means a limited service pharmacy, as defined in A.R.S. § 32-1901, that holds a current permit issued by the Board under A.R.S. § 32-1931, and provides radiopharmaceutical services.

"Limited-service pharmacy permittee" means a person who has applied for and obtained a limited-service pharmacy permit in compliance with A.R.S. §§ 32-1929, 32-1930, 32-1931, and A.A.C. R4-23-606.

"Long term care consultant pharmacist" means a pharmacist providing consulting services to a long term care facility.

"Lot" means a batch or any portion of a batch of a drug or in the case of a drug produced by a continuous process, an amount of drug produced in a unit of time or quantity in a manner that assures it uniformity, and in either case which is identified by a distinctive lot number and has uniform character and quality with specified limits.

"Lot number" or "control number" means any distinctive combination of letters or numbers, or both, from which the complete history of the compounding or manufacturing, control, packaging, and distribution of a batch or lot of a drug can be determined.

"Materials approval unit" means any organizational element having the authority and responsibility to approve or reject components, in-process materials, packaging components and final products.

"Mediated instruction" means learning transmitted via intermediate mechanisms such as audio and/or visual tape telephone transmission, etc.

"NABPLEX" means National Association of Boards of Pharmacy Licensure Examination.

"Occupational Medicine" or "Industrial Medicine" means the field of medicine dealing with the medical problems associated with persons employed in any occupation.

"Outpatient" or "Outpatient setting" means a person that receives medical treatment as result of not being a residential patient in a health care institution, or a location where medical treatment is provided to patients not required to be overnight residents of the facility.

"Patient profile" means a readily retrievable, centrally located information record which contains, but is not limited to: patient demographics, allergies, and medication profile.

"Pharmaceutical care" means the provision of drug therapy and other pharmaceutical patient care services intended to achieve outcomes, related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process, by identifying potential and actual drug-related problems, resolving actual drug-related problems, and preventing potential drug-related problems.

"Pharmacy law continuing education" means a continuing education activity that addresses practice issues related to state or federal pharmacy statutes, rules or regulations, offered by an Approved Provider.

"Prepackaged drug" means a drug which is packaged, ordinarily in frequently prescribed quantities, labeled, in compliance with A.R.S. §§ 32-1967 and 32-1968, for storage and subsequent dispensing by a pharmacist, or pharmacy intern under the supervision of a pharmacist, who at that time verifies that it is properly labeled for the patient.

"Provider pharmacist" means the pharmacist who supplies medication to a long term care facility and maintains medication profiles.

"Radiopharmaceutical" means any drug that emits ionizing radiation and includes:

1. Any nonradioactive reagent kit, nuclide generator, or ancillary drug intended to be used in the preparation of any radiopharmaceutical but does not include drugs such as carbon-containing compounds or potassium-containing salts, that contain trace quantities of naturally occurring radionuclides; and
2. Any biological product that is labeled with a radionuclide or intended to be labeled with a radionuclide.

"Radiopharmaceutical quality assurance" means the performance of appropriate chemical, biological, and physical tests on potential radiopharmaceuticals and the interpretation of the resulting data to determine the suitability of the potential radiopharmaceuticals for use in humans and animals. Radiopharmaceutical quality assurance includes internal test assessment, authentication of product history, and the keeping of proper records.

"Radiopharmaceutical services" means, the procuring, storing, handling, compounding, preparing, labeling, quality assurance testing, dispensing, distributing, transferring, recordkeeping, and disposing of radiochemicals, radiopharmaceuticals, and ancillary drugs, and includes quality assurance procedures, radiological health and safety procedures, consulting activities associated with the use of radiopharmaceuticals, and any other activities required for the provision of pharmaceutical care.

"Remodel" means to structurally alter the pharmacy area or location.

"Remote drug storage area" means an area that is outside the premises of the pharmacy, used for the storage of drugs, locked to deny access by unauthorized persons, and secured against the use of force.

"Resident" means a person admitted to and residing in a long term care facility.

"Sterile pharmaceutical product" means a dosage form free from living microorganisms.

"Strength" means:

1. The concentration of the drug substance (for example, w/w, w/v, or unit dose/volume basis) and/or
2. The potency, that is, the therapeutic activity of the drug substance as indicated by bioavailability tests or by controlled clinical data (expressed, for example, in terms of unity by reference to a standard).

"Supervision" means the pharmacist shall be present, assume legal responsibility, and have personal oversight of activities relating to the acquisition, preparation, distribution, and sale of prescription medications by pharmacy interns or supportive personnel.

"Supplying" is selling, transferring, or delivering to a patient or a patient's agent ~~the issuing of~~ 1 or more doses of:

1. A nonprescription ~~proprietary~~ drug in the original container of a manufacturer for subsequent use by the patient, or
2. A compressed medical gas in the original container of a manufacturer or compressed medical gas distributor for subsequent use by the patient.

"Supportive Personnel" means an individual trained to perform activities related to the preparation and distribution of prescription medications, under the supervision of a pharmacist and consistent with policy and procedures as required in R4-23-403.

"Transfill" is the compressed medical gas manufacturing process where 1 or more compressed medical gases are transferred from a bulk container or containers to a properly labeled container or containers for subsequent distribution or supply.

"Wholesale distribution" means distribution of drugs to persons other than a consumer or patient, but does not include:

1. The sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug for emergency medical rea-

sons. For purposes of this section, "emergency medical reasons" includes transfer of prescription drugs by a community or hospital pharmacy to another community or hospital pharmacy to alleviate a temporary shortage;

2. The sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription;
3. The distribution of drug samples by manufacturers' representatives or distributors' representatives; or
4. The sale, purchase, or trade of blood and blood components intended for transfusion.

"Wholesale distributor" means any 1 engaged in wholesale distribution of drugs, including, but not limited to: manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies that conduct wholesale distributions in the amount of at least 5 percent of gross sales.

ARTICLE 6. PERMITS AND DISTRIBUTION OF DRUGS

R4-23-692. Compressed Medical Gas Distributor

A. Permit:

1. A person shall not manufacture, process, transfill, package, or label a compressed medical gas before a compressed medical gas distributor permit is issued by the Board or its designee following a satisfactory final inspection by a Board compliance officer.
2. Before operating as a compressed medical gas distributor, a person shall register with the FDA as a medical gas manufacturer and comply with the drug listing requirements of the federal act.
3. A person shall submit a completed application for a compressed medical gas distributor permit, on a form furnished by the Board, to the Board's office.
4. A compressed medical gas distributor permittee shall distribute a compressed medical gas only:
   a. Pursuant to a compressed medical gas order; and
   b. If the compressed medical gas is listed on the distributor's permit application. To receive approval to distribute an additional compressed medical gas, the permittee shall request that the permit application be amended.
      i. The permittee shall send a written request to amend the permit application to the Board office.
      ii. The request shall include documentation that the FDA has approved manufacture of the additional compressed medical gas not listed on the original permit application.
      iii. If a request to amend an original permit application includes the documentation referenced in subsection (A)(4)(b)(ii) and if the Board or its designee determines that the amendment is in the interest of public health and safety, the Board or its designee shall approve the request to amend within 30 days of receipt.
5. A compressed medical gas distributor permit is subject to denial, suspension, or revocation pursuant to A.R.S. § 32-1932.
6. A compressed medical gas distributor permittee shall comply with the current good manufacturing practices set forth in 21 CFR Parts 210 and 211, to ensure that compressed medical gases meet the requirements of safety, identity, strength, quality, and purity found in the federal act or the official compendium as defined in A.R.S. § 32-1901.

B. Current Good Manufacturing Practice:

A compressed medical gas distributor permittee shall comply with the current good manufacturing practice requirements of 21 CFR 210 through 211, incorporated by reference and on file with the Board and the office of the Secretary of State.

C. Records:

A compressed medical gas distributor permittee shall establish and implement written procedures for maintaining records pertaining to production, transfilling, process control, labeling, packaging, quality control, distribution, complaints, and any information required by federal or state law.

   a. A permittee shall retain the records required by this article and 21 CFR 210 through 211 for at least 2 years after distribution of the compressed medical gas or 1 year after the expiration date of the compressed medical gas, whichever is longer.
   b. A permittee shall make the records required by this article and 21 CFR 210 through 211 available within 48 hours for review by the Board, its compliance officers, or the FDA.

D. Inspections:

A compressed medical gas distributor permittee is subject to inspection by the Board or its compliance officers pursuant to A.R.S. § 32-1904.

R4-23-693. Compressed Medical Gas Supplier

A. Permit:

1. A person shall not supply a compressed medical gas before a compressed medical gas supplier permit is issued by the Board or its designee following a satisfactory final inspection by a Board compliance officer.
2. A person shall submit a completed application for a compressed medical gas supplier permit, on a form furnished by the Board, to the Board's office.
3. A compressed medical gas supplier permittee shall supply a compressed medical gas only:
   a. Pursuant to a compressed medical gas order, and
   b. To the consumer or patient or their agent.
4. A compressed medical gas supplier permittee shall not manufacture, process, transfill, package, or label a compressed medical gas, except as set forth in subsection (B)(2)

B. Records:

A compressed medical gas supplier permittee shall establish and implement written procedures for maintaining records pertaining to acquisition and distribution of, and complaints related to, compressed medical gases.

   a. A permittee shall ensure that a compressed medical gas order is obtained and filed for each compressed medical gas container supplied by the permittee.
   b. A permittee shall ensure that each compressed medical gas container supplied by the permittee contains a label bearing the name and address of the compressed medical gas supplier.
   c. A permittee shall retain the records required by this article for at least 2 years after supplying the compressed medical gas or 1 year after the expiration date of the compressed medical gas, whichever is longer.

d. A permittee shall make the records required by this article available within 48 hours for review by the Board or its compliance officers.

C. Inspections:
A compressed medical gas supplier permittee is subject to inspection by the Board or its compliance officers pursuant to A.R.S. § 32-1904.\

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

PREAMBLE

1. **Sections Affected** — **Rulemaking Action**

R12-4-107	Repeal
R12-4-107	New Section
R12-4-307	Amend
R12-4-701	Amend
R12-4-702	Amend
R12-4-709	Amend
R12-4-713	New Section

2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 17-231(A)(2), (3), and (8), 17-361, 17-296, 17-297, and 17-298

3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Susan L. Alandar, Administrative Services Manager

Address: Arizona Game and Fish Department, DO AS
2221 West Greenway Road
Phoenix, AZ 85023-4399

Telephone: (602) 789-3289

FAX: (602) 789-3299

4. **An explanation of the rule, including the agency's reasons for initiating the rule:**
R12-4-107. Bonus Point System. The rule would be repealed and rewritten for clarity. The proposed change would expand the existing bonus point rule by adding deer to the list of species for which bonus points are awarded.

The Department uses a random selection process, generally known as "the drawing," to equitably apportion available tags among hunters when demand exceeds supply.

The Arizona Game and Fish Commission annually reviews wildlife management statistics and input from the public and, by "Commission Order," establishes seasons during which wildlife may be taken. (Commission Orders are exempted from rulemaking pursuant to A.R.S. § 41-1005(A)(2)). Open seasons are for a stated time period, in a specific area, and for a specific "legal animal" (as described in the Commission Order). Many of these seasons are further restricted to the "method of take" which may be used (authority for this is established by rule). As part of this process, based upon wildlife management requirements, the Commission may determine whether only a limited number of "legal animals" may be taken during an open season, and if so, how many. The Commission Order then designates the number of "hunt permits" to be made available to the public for that season, and assigns a "hunt number" to that season to differentiate it from areas and seasons where this restriction does not apply.

The drawing becomes necessary because there are more persons wishing to hunt a particular species in a particular area by a particular method of take than there are available hunt permits for that species. The drawing is intended to ensure that this limited number of tags (known as "hunt permit-tags") is distributed fairly. R12-4-114 prescribes how the drawing is to be conducted.

Until March 1, 1991, hunt permit-tags were awarded on a "straight" random drawing system, wherein each applicant for a particular hunt number had exactly the same statistical probability of being drawn as every other applicant for that hunt number.

In 1989, during the review of the Commission's rules on the drawing, it was decided to look for ways to help the frustrated

hunter who applies hopefully each year for a big game tag, but who is all too frequently unsuccessful, since certain tags must be limited while the number of hopeful hunters is not.

The Department studied different types of drawing systems (including "waiting periods" and "preference points" which are used by other states), and surveyed and talked to many hunters. After a rulemaking process with much public involvement, the Commission adopted R12-4-107 to implement the "bonus point system" for 4 of the most popular big game species (antelope, bighorn sheep, buffalo, and elk). This system has 2 requirements in order to participate: 1st, you must have a hunting license at the time you apply in the drawing (since the intent is to reward those who have faithfully supported wildlife management) and 2nd, you must submit a valid application in the drawing. Each time a person meets those requirements, and is not successful in being drawn, that person accumulates a bonus point for that genus. Each bonus point accumulated grants that person an extra opportunity to be drawn the next time they apply. In addition, a person accumulates one permanent bonus point for each genus when he or she graduates from the Department's hunter education course.

This system was chosen over other systems because, while it rewards those persons who have supported wildlife management and who have submitted applications regularly, it does not deny others the opportunity to be drawn. Persons who prefer to buy their license only after being drawn may always have their normal valid entry.

Applicants for deer hunts are currently not eligible to receive bonus points. At the time that the bonus point rule was adopted, a majority of big game hunters did not favor including deer in the bonus point program. Recently, some hunters have expressed their opinion that deer should be added to the rule. Those who support the modification believe it is necessary in order to improve their chance of being drawn for highly desirable permits such as Kaibab mule deer and late season white-tailed deer hunts. At least 1 organization supports awarding bonus points for all deer hunts statewide. A request to award bonus points for deer hunts north of the Colorado River only was received during the 1997 annual hunt recommendation meetings. The Commission subsequently determined to open rulemaking to consider this proposal. The rule is proposed with a delayed effective date of January 1, 1999, to allow the Department adequate time to make changes to its drawing processes and computer programs.

R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts. The proposed rule amendment results from the 5-year review of this rule and is intended to eliminate any misconception that persons suffering loss from wildlife may continue to use leghold or body gripping traps, snares or poison on public land. An initiative passed by the public in 1994 prohibits the use of these types of trapping on public land. The proposed amendment to this rule clarifies that persons suffering loss from wildlife may not use trapping methods that are prohibited by the citizen-passed law. See A.R.S. § 17-301(D).

Currently, subsection (G) of this rule exempts a specified group suffering loss from wildlife. The purpose for the proposed change is to eliminate confusion that the exemption in this rule also exempts the same group from the prohibitions in A.R.S. § 17-301(D). However, the prohibition on trapping in A.R.S. § 17-301(D) does not eliminate all trapping throughout this state. Therefore, the provisions in R12-4-307 remain necessary to govern where trapping is still authorized, and persons suffering loss from wildlife will remain exempt from the provisions of this rule when trapping as authorized.

Subsection (K) of the rule is corrected to properly cross-reference subsection (L). Subsection (M) is deleted as obsolete, and there is no need to place a delayed effective date within the rule. An obsolete reference to "Exhibit A. Trapping Report" is removed from the end of the rule. No other changes to this rule are proposed, as it has previously been revised and approved by GRRC as meeting current rulewriting standards.

Heritage Grant Rules. Article 7 of the Commission's rules provide criteria and requirements for grants for which funding is provided from the Heritage Fund, established within A.R.S. §§ 17-296, 17-297, and 17-298.

In November of 1990, an initiative was passed by Arizona voters to establish the Heritage Fund. The fund derives its revenue of $20 million from Lottery funds, $10 million annually to the Game and Fish Department to further the preservation and conservation of sensitive habitats and species, and $10 million to the Arizona State Parks Board and local levels of government to develop and improve recreation and trails facilities and historic preservation properties throughout the state.

A.R.S. § 17-298 specifies the purpose and percentages for expenditures from this fund. A.R.S. § 17-297 exempts the fund from appropriation and expenditures from the fund are administered by the Game and Fish Commission and are not subject to outside approval.

The rules within Article 7 were adopted in 1996 upon advice from the Attorney General's office, which determined that the Commission was required to adopt rules regarding the distribution of Heritage grant funds to other governmental organizations since the expenditure of these funds directly affects the general public. It is now proposed to amend these rules to extend eligibility for these grants to nonprofit and not for profit organizations. In order to accomplish that, amendments are proposed to R12-4-701 (Definitions), R12-4-702 (General Provisions), R12-4-709 (Grant Applications) and new rule R12-4-713 (Nonprofit and Not for Profit Corporations) would be added.

A special evaluation is necessary for nonprofit and not for profit corporations to ensure they have administrative controls in place to protect public funds. The type of requirements which must be met are already inherent within administrative control systems of public agencies, which have been the only organizations eligible for Heritage grants, but they may not be present in nonprofit and not for profit corporations.

To ensure that these corporations know what controls are necessary, and to aid in the review of established administrative control systems of potential grant recipients, a questionnaire has been developed and will be available from the Department. The questionnaire provides the framework from which the Department will evaluate and determine if there are major weaknesses in

the management practices, accounting systems, or internal controls of any nonprofit or not for profit organization that would like to become eligible to apply for a Heritage grant.

These organizations would be required to obtain advance authorization to participate in the Heritage grant program before they could be eligible to apply for a Heritage grant. To obtain this authorization they would have to submit the completed questionnaire to the Department. If there is no additional documentation required and there are no weaknesses determined, the Department will make a determination and notify the petitioner regarding eligibility within 90 days. If there is additional documentation required or a site visit is recommended, the Department will request the additional information and/or coordinate a site visit. If there are weaknesses determined during the review, the department will notify the petitioner, with suggestions on how to strengthen the particular administrative control system. The applicant may take steps to improve those areas determined to be weak and submit documentation to the Department. Again, the Department will review the new materials and make a determination regarding eligibility within 90 days of receipt of the documentation. If the applicant does not agree with the Department's findings, they may appeal to the Arizona Game and Fish Commission.

The assessment of whether an organization is capable of maintaining administrative control over a grant is dependent on the preponderance of answers to the questionnaire. If most of the answers are "yes" the assessment is that the organization generally possesses adequate control systems to administer and safeguard public funds. If most of the answers are "no" there is the possibility of serious management deficiencies, which may need to be addressed. However, if organizations do not maintain the basic books of account, do not have the ability to identify expenditures by grant or contract, or cannot demonstrate the ability to maintain records for the 5 years required, they will be considered to have very serious deficiencies which would require immediate remedial action regardless of the other answers. For very small organizations, it may be legitimate to not have full blown control systems in place. Those organizations will have the opportunity to describe how they will assure control over public funds, and to note any offsetting strengths.

Once a nonprofit or not for profit organization is determined to be eligible and authorized to participate in the Heritage grant program, they may apply for Heritage fund grants. This is a permanent authorization and the organization will remain eligible to apply for grants each year, unless there is a failure of the organization's ability to administer a grant.

Nonprofit and not for profit corporations would not be authorized to submit requests for funding land purchases unless the land conveyance title is held by a public agency, in order to ensure there will be public access to property purchased with Heritage funds. This could not be ensured on private land.

5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

   Not applicable.

6. **The preliminary summary of the economic, small business, and consumer impact:**

   R12-4-107. Bonus Point System. The change would impact Department procedures and entail additional expense and time for reprogramming computers, processing applications, changing publications, and may create a greater demand for Hunter Education certification. There is potential for negative impact on hunting license and deer permit sales. It would increase application pressure on more popular deer hunting units and leave less popular deer hunting units undersubscribed (meaning all available permits would not be issued in the drawing.)

   R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts. The proposed change is not expected to have any impact above the existing requirements to enforce the trapping prohibitions in A.R.S. § 17-301(D).

   Article 7, Heritage Grants: R12-4-701 (Heritage Grant Definitions); R12-4-702 (General Provisions) and R12-4-709 (Grant Applications), R12-4-713 (Nonprofit and Not for Profit Corporations). Expanding the criteria for participation in the Heritage Grant Program may extend the participants but will not affect the dollars available for grants or expended in the state.

7. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

For:	R12-4-107 (Bonus Point System):
Name:	Lee Perry, Assistant Director, Special Services Division
Address:	Arizona Game and Fish Department, SSHQ 2221 West Greenway Road Phoenix, Arizona 85023-4399
Telephone:	(602) 789-3440
For:	R12-4-307 (Trapping rule):
Name:	Susan L. Alandar, Administrative Services Manager
Address:	Arizona Game and Fish Department, DO AS 2221 West Greenway Road Phoenix, Arizona 85023-4399
Telephone:	(602) 789-3289

Fax:	(602) 789-3299
For:	Heritage Grant Rules:
Name:	Sandy Sutton, Heritage Grant Administrator
Address:	Arizona Game and Fish Department, DOFP 2221 West Greenway Road Phoenix Arizona 85023
Telephone:	(602) 789-3526

8. **The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Written comments will be accepted at the above address until November 12, 1997. Public hearings to discuss this proposal will be held as follows:

Date:	November 10, 1997
Time:	7 p.m.
Location:	International Wildlife Museum 4800 West Gates Pass Road Tucson, Arizona
Date:	November 10, 1997
Time:	7 p.m.
Location:	Arizona Game and Fish Department 7200 East University Mesa, Arizona
Date:	November 12, 1997
Time:	5:30 p.m.
Location:	Arizona Game and Fish Department 5325 North Stockton Hill Road Kingman, Arizona
Date:	November 12, 1997
Time:	7 p.m.
Location:	Arizona Game and Fish Department 2878 East White Mountain Boulevard Pinetop, Arizona
Date:	November 12, 1997
Time:	7 p.m.
Location:	Arizona Game and Fish Department 9140 East County 10 ½ Street Yuma, Arizona
Date:	November 10, 1997
Time:	5 p.m.
Location:	Arizona Game and Fish Department 3500 Lake Mary Road Flagstaff, Arizona

The Game and Fish Commission will hold an additional public hearing and may take final action to amend the rule on:

Date:	December 13, 1997
Time:	1:30 p.m.
Location:	State Fairgrounds Wildlife Building 17th Avenue and McDowell Road Phoenix, Arizona

The Arizona Game and Fish Commission follows Title II of the Americans with Disabilities Act. The Commission does not dis-

criminate against persons with disabilities who wish to make oral or written comments on proposed rulemaking or otherwise participate in the public comment process. Individuals with disabilities who need a reasonable accommodation (including auxiliary aids or services) to participate in the public comment process, or who require this information in an alternate form, may contact Susan L. Alandar at (602) 789-3289 (Voice); 1-800-367-8939 (TDD); 2221 West Greenway Road, Phoenix, Arizona 85023-4399. Requests should be made as soon as possible so that the Arizona Game and Fish Department will have sufficient time to respond.

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.

10. Incorporations by reference and their location in the rules:
Not applicable.

11. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

~~R12-4-107. Bonus point system~~
R12-4-107. Bonus Point System

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts

ARTICLE 7. HERITAGE GRANTS

R12-4-701. Heritage Grant Definitions
R12-4-702. General Provisions
R12-4-709. Grant Applications
R12-4-713. Nonprofit and Not for Profit Corporations

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-107. ~~Bonus point system~~

~~A. The Department shall implement a bonus point system which shall grant each participant one entry in the drawing for elk, buffalo, bighorn sheep, or antelope for each bonus point accumulated, in addition to the entry normally granted by R12-4-104. Bonus points for a group as defined in R12-4-104 shall be the average number of bonus points accumulated by the group, rounded to the nearest whole number.~~

~~B. In order to participate in the bonus point system, a person applying for a hunt permit-tag shall have a hunting license valid for the year in which the hunt will take place, and shall provide the number of that Class F, Class G, pioneer license, or disabled veteran's license on Form 624 as prescribed in R12-4-104.~~

~~1. A person shall accumulate one bonus point each time he or she makes valid application for a hunt permit-tag and is unsuccessful in being awarded the hunt permit-tag. The bonus point thus accumulated shall be valid only for the genus designated on the application. All bonus points accumulated by this method shall be forfeited when the participant is issued a hunt permit-tag for that genus, but may be accumulated again in accordance with this Rule beginning after the hunt permit-tag is issued. Any accumulated bonus points shall be forfeited when a person fails to apply for a hunt permit-tag for 5 consecutive years.~~

~~2. One time only, a person shall accumulate one permanent bonus point for each genus when he or she graduates from the Department's Arizona Hunter Education Course.~~

~~a. Persons who graduated after January 1, 1980, but prior to January 1, 1991, or persons certified by the Department as active hunter education instructors after January 1, 1980, shall be credited with one permanent bonus point for each genus by completing a form available from the Department and submitting it to the Department's Phoenix office. The following information shall be included on the form: the applicant's identification number required by R12-4-104; name; address; residency status and length of Arizona residency, if applicable; date of birth; sex; weight; height; color of hair and eyes; and, for persons other than instructors, the month and year of graduation from the Department's Arizona Hunter Education Course.~~

~~b. A person shall have graduated or, if claiming bonus points for graduation prior to 1991, shall have submitted the required form thirty days prior to the application date deadline specified in the hunt permit-tag application schedule published annually by the Department, or the bonus point shall not be counted by the Department in that drawing.~~

~~C. With each notice of unsuccessful application, the Department shall include the participant's current total number of bonus points accumulated. If an applicant disagrees with the total, the applicant shall provide previous notices, or proof of compliance with Subsection B.2. of this Rule, to prove Department error before any correction to that participant's record shall be made.~~

~~D. Bonus points shall be accumulated in accordance with the identification number required by R12-4-104, and the genus applied for, and shall not be transferable.~~

R12-4-107. Bonus Point System

A. The bonus point system grants each person one entry in each drawing for elk, buffalo, bighorn sheep, antelope, or deer for each bonus point which that person has accumulated under this rule. Each bonus point entry is in addition to the entry normally granted by R12-4-104. When processing "group" applications as defined in R12-4-104, the Department will use the average number of bonus points accumulated by the persons in the group, rounded to the nearest whole number. If the average is .5, the total will be rounded up to the next highest number.

B. A person will accumulate 1 bonus point each time he or she submits a valid but unsuccessful application for a hunt permit-tag, provided that:

1. The application is not for hunt permit-tags left over after the drawing which are available on a 1st-come, 1st-served basis as prescribed in R12-4-114.

2. Prior to the drawing, the person has purchased a hunting license valid for the year in which the hunt will take place. The applicant shall either provide the hunting license number on the application, or submit an application and fees for the license with their drawing application, designating that they are to be issued the license even if not drawn.

C. Each bonus point accumulated is valid only for the genus designated on the unsuccessful application.

D. Except for permanent bonus points awarded for hunter education, all of a person's accumulated bonus points for a genus are forfeited when:
1. The person is issued a hunt permit-tag for that genus; or
2. When the person fails to apply for a hunt permit-tag for that genus for 5 consecutive years.

E. A person will be awarded 1 permanent bonus point for each genus upon that person's 1st graduation from the Department's Arizona Hunter Education Course or for serving as a Department hunter education instructor.
1. Persons who graduated after January 1, 1980, but prior to January 1, 1991, or persons certified by the Department as active hunter education instructors after January 1, 1980, will be credited with 1 permanent bonus point for each genus by providing the following information on a form available from the Department: Department identification number; name; address; residency status and length of Arizona residency, if applicable; date of birth; sex; weight; height; color of hair and eyes; and, for persons other than instructors, the month and year of graduation from the Department's Arizona Hunter Education Course.
2. A person must have graduated or submitted the required form 30 days prior to a drawing's application date deadline specified in the hunt permit-tag application schedule in order for the bonus point to be counted by the Department in that drawing.

F. The Department will provide each applicant's total number of bonus points accumulated with the applicant's notice of unsuccessful application. If the applicant disagrees with the total, the applicant must provide previous notices or proof of compliance with subsection (F) to prove Department error, before the Department may correct the applicant's record.

G. The Department will record bonus points under each applicant's Department identification number and the genus applied for. The Department will not transfer bonus points between persons or genera.

H. This rule is effective January 1, 1999.

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts

A. No change.
1. No change.
2. No change.
3. No change.
4. No change.
5. No change.
6. No change.
7. No change.
8. No change.

B. No change.

C. No change.

D. No change.
1. No change.
2. No change.
3. No change.
4. No change.
5. No change.
6. No change.
7. No change.
8. No change.
9. No change.

E. No change.
1. No change.
2. No change.
3. No change.
4. No change.

F. No change.

G. ~~Persons suffering livestock losses from bear or mountain lion or property damage from predatory, furbearing, and nongame mammals are exempt from this rule as provided by A.R.S. §§ 17-302 and 17-239.~~ Persons suffering from property loss or damage due to wildlife and who take responsive measures as permitted under A.R.S. §§ 17-239 and 17-302 are exempt from this rule. Exemption under this rule does not authorize any form of trapping prohibited by A.R.S. § 17-301.

H. No change.

I. No change.
1. No change.
2. No change.
3. No change.
4. No change.
5. No change.

J. No change.

K. The unskinned carcass of any bobcat trapped in Arizona or the pelt of any bobcat trapped in Arizona shall have a validated bobcat transportation tag attached, except for a pelt tagged for sale and exportation as provided for in subsection ~~(K)~~ (L) of this rule.
1. No change.
2. No change.

L. No change.
1. No change.
2. No change.
3. No change.
4. No change.
5. No change.

~~M. This rule is effective January 1, 1996.~~

ARTICLE 7. HERITAGE GRANTS

R12-4-701. Heritage Grant Definitions

In addition to the definitions provided in A.R.S. §§ 17-101 and 17-296, the following definitions apply to the rules within this Article:
1. No change.
2. "Authorized nonprofit corporation" means the Department has authorized a nonprofit corporation to participate in the Heritage grant program under R12-4-713.
3. "Authorized not for profit corporation" means the Department has authorized a not for profit corporation to participate in the Heritage grant program under R12-4-713.
~~2~~4. No change.
~~3~~5. No change.
~~4~~6. No change.
~~5~~7. No change.
~~6~~8. No change.
9. "Nonprofit corporation" has the meaning prescribed in A.R.S. § 10-2301.

10. "Not for profit corporation" has the meaning prescribed in A.R.S. § 10-2301.
~~7~~11. No change.
~~8~~12. No change.
~~9~~13. No change.
~~10~~14. No change.
~~11~~15. No change.

R12-4-702. General Provisions

A. The application deadline is the last working day of November each year and funds become available July 1 of the following year. The Department shall ensure that the "Grant Application Manual" containing application forms and instructions, ~~and~~ the Budget Prioritization Process, and the Questionnaire for Evaluation of Administrative Control Systems are available from the Department's Funds Planning Section within the Phoenix office. The Department shall also ensure that any annualized information on project emphasis for each fund is also available.

B. Nonprofit corporations or not for profit corporations wishing to participate in the Heritage grant program shall comply with R12-4-713 to obtain authorization.

~~B~~C. ~~Applicants shall be public agencies~~ The Department shall accept applications for Heritage grants only from a public agency, an authorized nonprofit corporation, or an authorized not for profit corporation as defined in R12-4-701~~and~~ . An applicant shall apply for Heritage grants in accordance with A.R.S. §§ 17-296, 17-297, and 17-298 and Commission rules within 12 A.A.C. 4, Article 7, in order to be eligible for consideration. Applicants who have failed to comply with the rules or conditions of the participant-in-aid agreements are not eligible for further grants if they have any project over 2 years old which has not been completed and closed, unless a formal extension has been requested and approved.

~~C~~D. No change.
~~D~~E. No change.
~~E~~F. No change.
~~F~~G. No change.
1. No change.
2. No change.
3. No change.

~~G~~H. No change.
~~H~~I. No change.
~~I~~J. No change.
~~J~~K. No change.

R12-4-709. Grant Applications

A. No change.
B. No change.
C. No change.
D. No change.
E. No change.
F. No change.
1. No change.
2. No change.
3. No change.
4. No change.
5. No change.
6. No change.
7. No change.
8. No change.
9. No change.

G. The grant application form must be signed by an authorized agent of the ~~public agency~~ applicant applying for the grant, and by signing, the authorized agent represents that the applicant has authority to enter into agreements, accept funding, and fulfill the terms of the proposed project.

H. No change.

I. No change.
1. No change.
2. No change.
3. No change.

J. No change.
1. No change.
2. No change.
3. No change.
4. No change.
5. No change.
6. No change.
a. No change.
b. No change.
c. No change.

K. No change.

L. No change.

R12-4-713. Nonprofit and Not for Profit Corporations

A. Nonprofit corporations or not for profit corporations wishing to participate in the Heritage grant program shall submit a completed Questionnaire for the Evaluation of Administrative Control Systems to the Department. The questionnaire form is available from the Department's Funds Planning Section within the Phoenix office. A nonprofit or not for profit corporation may submit the questionnaire at any time during the calendar year but must received written authorization from the Department prior to participation in the Heritage grant program.

B. The Department shall use the completed questionnaire and may request additional documentation or conduct a site visit to determine if there are major weaknesses in the management practices, accounting systems, or internal controls of the nonprofit or not for profit corporation. The purpose of the evaluation is to determine if the organization possesses adequate control systems to administer and safeguard public funds. In order to be eligible for authorization to apply for a Heritage grant, organizations shall:
1. Maintain the basic books of account.
2. Have the ability to identify expenditures by grant or contract.
3. Demonstrate the ability to maintain records for the 5 years required.
4. Demonstrate the ability to comply with all rules governing the Heritage grant program, including the participant agreement.

C. The Department shall conduct the administrative control evaluation within 90 calendar days of receipt of the request. If weaknesses are discovered during the review, the Department shall notify the applicant, with suggestions on how to strengthen the particular administrative control system. To obtain authorization the applicant shall take steps to improve those areas and submit documentation to the Department as evidence of improvement. The Department shall conduct an evaluation of the new materials and make a determination regarding eligibility within 90 calendar days of receipt of the documentation.

D. If the nonprofit or not for profit corporation does not concur with the Department's findings, it may file an appeal to the Commission as provided in R12-4-608.

E. The Department shall issue written authorization to participate in the Heritage grant program to any nonprofit or not for profit corporation deemed to have necessary administrative

controls. An authorized nonprofit or authorized not for profit corporation will remain authorized unless the Department determines that the corporation no longer possesses adequate administrative control systems. The Department shall advise the corporation in writing that they are no longer authorized to participate in the Heritage grant program. To be reauthorized, the corporation must submit a new Questionnaire for the Evaluation of Administrative Control Systems and comply with all requirements of this rule.

F. Nonprofit corporations and not for profit corporations are not authorized to submit requests for funding land purchases, including easements, unless the land conveyance title is held by a public agency.

NOTICE OF PROPOSED RULEMAKING

Title 19. Alcohol, Horse and Dog Racing, Lottery, and Gaming

Chapter 2. Arizona Racing Commission

PREAMBLE

1. Sections Affected — Rulemaking Action
   R19-2-104 — Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
   Authorizing statute: § 5-104(A)(2)
   Implementing statute: §§ 5-104 and 5-107(B)

3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
   Name: Paul Ryneveld
   Address: Arizona Department of Racing
   3877 North 7th Street
   Phoenix, Arizona 85014
   Telephone: (602) 277-1704
   Fax: (602) 277-1165

4. An explanation of the rule, including the agency's reasons for initiating the rule:
   The rule change was initiated at the request of the horse track permittees. The change will allow the horse permittees the flexibility to staff either a physician or certified emergency paramedic.

5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
   None.

6. The preliminary summary of the economic, small business, and consumer impact:
   None.

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:
   Name: Paul Ryneveld
   Address: Arizona Department of Racing
   3877 North 7th Street, Suite 201
   Phoenix, Arizona 85014
   Telephone: (602) 277-1704
   Fax: (602) 277-1165

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:
   No oral proceedings are scheduled. Contact Paul Ryneveld in writing to request 1. At least 5 requests need to be submitted within the 30 days following publication of the proposed rulemaking in order to schedule an oral proceeding.

9. Any other matters prescribed by statue that are applicable to the specific agency or to any specific rule or class of rules:
   None.

10. Incorporations by reference and their location in the rules:
    None.

11. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

ARTICLE 1. HORSE RACING

Section
R19-2-104. Permittee Responsibilities

ARTICLE 1. HORSE RACING

R19-2-104. Permittee Responsibilities

A. No Change.
B. No Change.
C. No Change.
D. No Change.
E. No Change.
F. No Change.
G. No Change.
H. No Change:
1. No Change.
2. A physician or Certified Emergency Paramedic to be on duty during racing hours.
3. No Change.
4. No Change.
5. No Change.
6. No Change:
   a. No Change.
   b. No Change.
   c. No Change.
   d. No Change.
   e. No Change.
7. No Change:
   a. No Change.
   b. No Change:
      i. No Change.
      ii. No Change.
      iii. No Change.
      iv. No Change.
8. No Change.
9. No Change.
10. No Change.

I. No Change.
J. No Change.
K. No Change:
1. No Change.
2. No Change.
3. No Change.

L. No Change.
M. No Change.
N. No Change.
O. No Change.
P. No Change:
1. No Change.
2. No Change.
3. No Change.
4. No Change.
5. No Change.
6. No Change.

Q. No Change.
R. No Change.
1. No Change.
2. No Change.
3. No Change:
   a. No Change.
   b. No Change.
   c. No Change.
   d. No Change.
4. No Change:
   a. No Change.
   b. No Change.
   c. No Change.
   d. No Change.
   e. No Change.
   f. No Change.
5. No Change.
6. No Change.
7. No Change.